

AMENDED IN SENATE APRIL 30, 2012

AMENDED IN SENATE APRIL 17, 2012

AMENDED IN SENATE APRIL 12, 2012

## SENATE BILL

**No. 1487**

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**Introduced by Senator Hernandez**  
**(Principal coauthor: Senator Alquist)**

February 24, 2012

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An act to add Section 14005.27 to the Welfare and Institutions Code, relating to Medi-Cal.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1487, as amended, Hernandez. Medi-Cal: eligibility: former foster youths.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which health care benefits are provided to qualified low-income individuals. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions.

This bill ~~would, commencing January 1, 2014, to the extent federal financial participation is available and to the extent required by federal law, would extend Medi-Cal eligibility, including eligibility for the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program,~~ to youths who were formerly in foster care and who are under 26 years of age, pursuant to prescribed provisions of federal law.

Because each county is responsible for making Medi-Cal eligibility determinations, by expanding Medi-Cal eligibility the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The United States is the only industrialized country in the  
4 world without a universal health insurance system.

5 (b) In 2006, the United States Census reported that 46 million  
6 Americans did not have health insurance.

7 (c) On March 23, 2010, President Obama signed the Patient  
8 Protection and Affordable Care Act (Public Law 111-148), which  
9 was amended by the Health Care and Education Reconciliation  
10 Act of 2010 (Public Law 111-152), and collectively known as the  
11 Affordable Care Act.

12 (d) The Affordable Care Act is the culmination of decades of  
13 movement toward health reform, and is the most fundamental  
14 legislative transformation of the United States health care system  
15 in 40 years.

16 (e) ~~The Affordable Care Act has accomplished all of the~~  
17 ~~following:~~ *As a result of the enactment of the Affordable Care Act:*

18 (1) It is estimated over three million uninsured Californians will  
19 obtain health care coverage, resulting in close to universal coverage  
20 among documented residents in California who are under 65 years  
21 of age.

22 (2) An estimated 2.5 million more young adults nationwide  
23 currently have health insurance through their parents' plan.

24 (3) Over 350,000 low-income Californians are receiving  
25 coverage through local low-income health programs through early  
26 implementation of one of its provisions.

1 (4) Over 8,000 medically uninsurable Californians are currently  
2 receiving health coverage through the Pre-Existing Condition  
3 Insurance Plan.

4 (5) Individuals who receive Medicare benefits can get key  
5 preventive services, including mammograms and other cancer  
6 screening tests for free.

7 (6) Insurance companies can no longer deny coverage to children  
8 because of a preexisting condition.

9 (7) Insurance companies can no longer put a lifetime cap on the  
10 dollar amount of coverage that an individual can receive.

11 (8) Insurance companies can no longer drop an individual's  
12 coverage when he or she gets sick because of a mistake on an  
13 application.

14 (9) Health insurers must spend 80 to 85 percent of consumers'  
15 premiums on direct care for patients and efforts to improve care  
16 quality.

17 (f) The Affordable Care Act is currently being challenged before  
18 the United States Supreme Court, and a ruling is expected in June  
19 2012.

20 (g) The Legislature remains confident that the United States  
21 Supreme Court Justices will share the opinion expressed by Senior  
22 Judge Lawrence Silberman of the United States Court of Appeals,  
23 District of Columbia Circuit, that "the right to be free from federal  
24 regulation is not absolute and yields to the imperative that Congress  
25 be free to forge national solutions to national problems," and will  
26 uphold the law as constitutional.

27 (h) It is the intent of the Legislature to ensure full  
28 implementation of the Affordable Care Act so that millions of  
29 uninsured Californians can receive health insurance coverage and  
30 those that have already obtained coverage under its provisions can  
31 keep that coverage.

32 (i) It is further the intent of the Legislature to enact into state  
33 law any provision of the Affordable Care Act that may be struck  
34 down by the United States Supreme Court and that is necessary  
35 to ensure all Californians receive the full promise of the act.

36 SEC. 2. Section 14005.27 is added to the Welfare and  
37 Institutions Code, to read:

38 14005.27. (a) ~~To~~ *Effective January 1, 2014, to the extent*  
39 federal financial participation is available and to the extent required  
40 by federal law, the department shall extend Medi-Cal eligibility;

1 ~~including eligibility for the Early and Periodic Screening,~~  
2 ~~Diagnosis, and Treatment (EPSDT) Program,~~ to youths who were  
3 formerly in foster care and who are under 26 years of age, pursuant  
4 to the federal Patient Protection and Affordable Care Act (Public  
5 Law 111-148), as amended by the federal Health Care and  
6 Education Reconciliation Act of 2010 (Public Law 111-152).

7 (b) The department may implement this section by adopting  
8 regulations in accordance with the requirements of Chapter 3.5  
9 (commencing with Section 11340) of Part 1 of Division 3 of Title  
10 2 of the Government Code.

11 SEC. 3. If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.